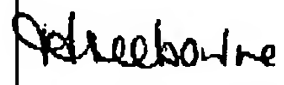


## UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Muthuswamy, Sivakumar Group Art Unit: 1746  
Application No.: 10/687,943 Examiner: Jonathan S. Crepeau  
Filed: October 17, 2003 Confirmation No.: 9908  
Title: Fuel Cell Using Variable Porosity Gas Diffusion Material

<b>CERTIFICATE OF FAX TRANSMITTAL</b>	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, at (571) 273-8300 Centralized Facsimile, and addressed to :Mail Stop: <u>Amendment</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	August 8, 2005
Signature: Typed or Printed Name:	 Vernice V. Freebourne

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RANDI L. KARPINIA**

**STATEMENT ESTABLISHING SAME OWNERSHIP**

This statement establishes the ownership of the applicants, in the above-subjected application, as it relates to the cited reference.

1. I am an attorney of record on the above-identified patent application and the cited referenced U.S. Patent 6,699,611 (Kim et al.).
2. I hereby affirm that the above subjected application and the reference U.S. Patent 6,699,611 (Kim et al.) were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

3. The inventors of the above subjected application and the referenced application were all employees of Motorola Inc. at the time the invention was made and have all assigned to Motorola, Inc. upon filing of the associated patent applications.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department – MD 1610

Customer Number: 24273

By:

*Randi L. Karpinia 8/8/05*  
Randi L. Karpinia  
Attorney of Record  
Reg. No.: 46,148  
Telephone: 954-723-6449  
Fax No.: 954-723-3871  
Email: Randi.Karpinia@motorola.com

STATE OF FLORIDA       )  
                                  ss: Plantation  
COUNTY OF BROWARD    )

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that RANDI L. KARPINIA, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 8<sup>th</sup> day of AUGUST  
2005.

My commission expires:



S. Wiltshire  
Commission #DD204246  
Expires: Apr 16, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

*S. Wiltshire*  
Notary Public Signature

SILVANA WILTSHIRE  
Printed Name of Notary

Docket No. CM01523LD01

## UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Muthuswamy, Sivakumar Group Art Unit: 1746  
Application No.: 10/687,943 Examiner: Jonathan S. Crepeau  
Filed: October 17, 2003 Confirmation No.: 9908  
Title: Fuel Cell Using Variable Porosity Gas Diffusion Material

## CERTIFICATE OF FAX TRANSMITTAL

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Date: August 8 2005

Signature: Chae-bow-ho  
Typed or  
Printed Name: Vernice V. Freebourn

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF SAME INVENTORSHIP**  
**TO OVERCOME CITED U.S. PATENT (37 C.F.R. §1.132)**

## PURPOSE OF DECLARATION

1. This declaration is to establish the invention disclosed but not claimed in the cited referenced document was derived from the inventor of the present application and is thus not the invention "by another." of the prior art:

- ☐ Publication:  
☒ Patent: U.S. Patent 6,699,611 (Kim et al.)

That was cited by the

- ☒ Examiner  
☐ Applicant

Docket No. CM01523LD01

2. The person making this declaration is (are):

- ☒ The inventor(s) of the subjected patent application and the cited Referenced US patent.
- ☐ Only some of the joint inventor(s)  
(and a suitable excuse is attached for failure of the omitted joint inventor(s) to sign)
- ☐ The party in interest  
(and a suitable explanation as why it is not possible to produce the declaration of the inventor(s) is attached)

### FACTS AND DOCUMENTARY EVIDENCE

3. To establish the inventorship of the invention disclosed but not claimed in the cited referenced document as it relates to the present application, the following attached documents and/or models are submitted as evidence: (check all applicable items below)

- ☐ Sketches
- ☐ Blueprints
- ☐ Photographs
- ☐ Reproduction(s) of notebook entries
- ☐ Model
- ☒ Supporting statement(s) by inventors of the present application and the cited referenced US patent.
- ☐ Other:

Docket No. CM01523LD01

4. From these documents and/or models, it can be seen that the invention disclosed but not claimed in the cited referenced document was derived from the inventor of the present application and is thus not the invention "by another." of the prior art.

**TIME PRESENTATION OF THE DECLARATION**

(Complete (a), (b), or (c))

5.

- ☒ (a) This declaration is submitted prior to final rejection
- ☐ (b) This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection
- ☐ (c) This declaration is submitted after final rejection. A showing under 37 C.F.R. §1.116(b) is submitted herewith

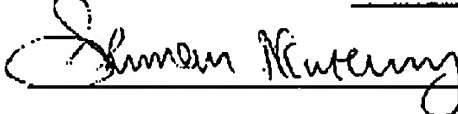
Docket No. CM01523LD01

**DECLARATION**

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


**SIGNATURE(S)****Inventor (s)**

Full name of first-named or sole inventor	STIVAKUMAR MUTHUSWAMY		
Inventor's signature		Date	07/18/2005
Residence	Tower Lakes	Illinois	
	City	State or Foreign Country	
Citizenship	U.S.A.		
	Country		
Post Office Address	25464 Barsumian Dr.		
	Street Address		
	Tower Lakes	Illinois	60010
	City	State or Country	Zip Code

Docket No. CM01523LD01

As a person signing below:

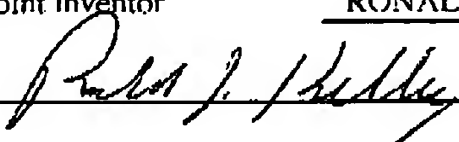
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second-named joint inventor	STEVEN D. PRATT		
Inventor's signature		Date	August 1, 2005
Residence	Fort Lauderdale	Florida	
	City	State or Foreign Country	
Citizenship	U.S.A.		
	Country		
Post Office Address	5600 SW 111 <sup>th</sup> Terrace		
	Street Address		
	Fort Lauderdale	Florida	33328
	City	State or Country	Zip Code

Docket No. CM01523LD01

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

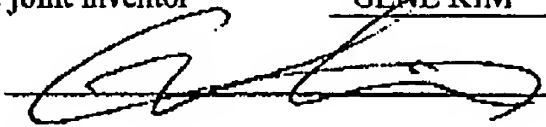
Full name of third-named joint inventor	RONALD J. KELLEY		
Inventor's signature		Date	1 Aug 2005
Residence	Plantation	Florida	
	City	State or Foreign Country	
Citizenship	U.S.A.		
	Country		
Post Office Address	1480 NW 110 <sup>th</sup> Avenue		
	Street Address		
	Plantation	Florida	33322
	City	State or Country	Zip Code



Docket No. CM01523LD01

As a person signing below:

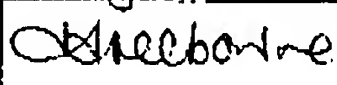
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fourth-named joint inventor	GENE KIM	
Inventor's signature		Date July 22, 2005
Residence	Alpharetta City	Georgia State or Foreign Country
Citizenship	U.S.A. Country	
Post Office Address	11104 Summerwood Lane Street Address	
	Alpharetta City	Georgia State or Country
		30005 Zip Code

Docket No. CM01523LD01

## UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Muthuswamy, Sivakumar	Group Art Unit:	1746
Application No.:	10/687,943	Examiner:	Jonathan S. Crepeau
Filed:	October 17, 2003	Confirmation No.:	9908
Title:	Fuel Cell Using Variable Porosity Gas Diffusion Material		

CERTIFICATE OF FAX TRANSMITTAL	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, at (703) 872-9306 Centralized Facsimile, and addressed to :Mail Stop: <u>Amendment</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	August 8 2005
Signature: Typed or Printed Name:	 Vernice V. Freehourne

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## SIVAKUMAR MUTHUSWAMY

## STATEMENT ESTABLISHING SAME INVENTORSHIP

This statement establishes the inventorship of the applicants, in the above-subjected application, as it relates to the cited reference.

1. I am an inventor/co-inventor of all claims of the above-identified patent application.
2. Steven D. Pratt, Ronald J. Kelley, and I conceived, in the United States of America, of the idea of A Fuel Cell Using Variable Porosity Gas Diffusion Material as described and claimed in all the claims of the above subjected application.

Docket No. CM01523LD01

3. Steven D. Pratt and Ronald J. Kelley conceived, in the United States of America, of the subject matter disclosed in U.S. Patent 6,699,611 (Kim et al.) and relied on in the rejection of the claims of the above subjected application.

Signature

Sivakumar Muthuswamy  
SIVAKUMAR MUTHUSWAMY

Date:

07/18/2005

STATE OF ILLINOIS )

ss:

COUNTY OF COOK )

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that SIVAKUMAR MUTHUSWAMY, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

2005.

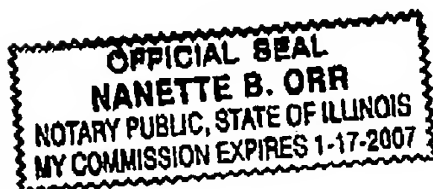
Given under my hand and notarial seal this 18th day of July

My commission expires:

01/17/2007

Notary Public Signature

Printed Name of Notary



Docket No. CM01523LD01

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Muthuswamy, Sivakumar	Group Art Unit:	1746
Application No.:	10/687,943	Examiner:	Jonathan S. Crepeau
Filed:	October 17, 2003	Confirmation No.:	9908
Title:	Fuel Cell Using Variable Porosity Gas Diffusion Material		

CERTIFICATE OF FAX TRANSMITTAL	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, at (571) 273-8300, Centralized Facsimile, and addressed to :Mail Stop: <u>Amendment</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	August 8, 2005
Signature: Typed or Printed Name:	<i>Vernice V. Freebourne</i> Vernice V. Freebourne

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STEVEN D. PRATT

STATEMENT ESTABLISHING SAME INVENTORSHIP

This statement establishes the inventorship of the applicants, in the above-subjected application, as it relates to the cited reference.

1. I am an inventor/co-inventor of all claims of the above-identified patent application.
2. I am an inventor/co-inventor of the invention disclosed and claimed in U.S. Patent 6,699,611 (Kim et al.).

Docket No. CM015231.D01

3. Ronald J. Kelley, Siva Muthuswamy, and I conceived, in the United States of America, of the idea of A Fuel Cell Using Variable Porosity Gas Diffusion Material as described and claimed in all the claims of the above subjected application.

4. Ronald J. Kelley and I conceived, in the United States of America, of the subject matter disclosed in U.S. Patent 6,699,611 (Kim et al.) and relied on in the rejection of the claims of the above subjected application.

Signature

  
STEVEN D. PRATT

Date:

August 1, 2005

STATE OF FLORIDA )

ss: PLANTATION

COUNTY OF BROWARD )

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that STEVEN D. PRATT, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

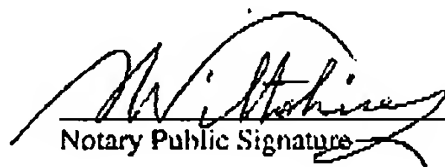
Given under my hand and notarial seal this 1<sup>ST</sup> day of AUGUST

2005.

My commission expires:



**S. Wiltshire**  
Commission #DD204246  
Expires: Apr 16, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

  
Notary Public Signature  
SILVANA WILTSHIRE  
Printed Name of Notary

Docket No. CM01523LD01

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Muthuswamy, Sivakumar	Group Art Unit:	1746
Application No.:	10/687,943	Examiner:	Jonathan S. Crepeau
Filed:	October 17, 2003	Confirmation No.:	9908
Title:	Fuel Cell Using Variable Porosity Gas Diffusion Material		

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Date:	August 8 2005
Signature: Typed or Printed Name:	<i>Vernice V. Freebourne</i> Vernice V. Freebourne

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RONALD J. KELLEY

STATEMENT ESTABLISHING SAME INVENTORSHIP

This statement establishes the inventorship of the applicants, in the above-subjected application, as it relates to the cited reference.

1. I am an inventor/co-inventor of all claims of the above-identified patent application.
2. I am an inventor/co-inventor of the invention disclosed and claimed in U.S. Patent 6,699,611 (Kim et al.).
3. Steven D. Pratt, Siva Muthuswamy, and I conceived, in the United States of America, of the idea of A Fuel Cell Using Variable Porosity Gas Diffusion Material as described and claimed in all the claims of the above subjected application.

Docket No. CM015231.D01

4. Steven D. Pratt and I conceived, in the United States of America, of the subject matter disclosed in U.S. Patent 6,699,611 (Kim et al.) and relied on in the rejection of the claims of the above subjected application.

Signature

*Ronald J. Kelley*  
RONALD J. KELLEY

Date:

1 Aug 2005

STATE OF FLORIDA )

COUNTY OF BROWARD )

ss: PLANTATION

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that RONALD J. KELLEY, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 1<sup>ST</sup> day of AUGUST, 2005.

My commission expires:



**S. Wiltshire**  
Commission #DD204246  
Expires: Apr 16, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc

*Silvana Wiltshire*  
Notary Public Signature  
SILVANA WILTSHIRE  
Printed Name of Notary

Docket No. CM01523LD01

## UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Muthuswamy, Sivakumar Group Art Unit: 1746  
Application No.: 10/687,943 Examiner: Jonathan S. Crepeau  
Filed: October 17, 2003 Confirmation No.: 9908  
Title: Fuel Cell Using Variable Porosity Gas Diffusion Material

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Date:	<u>AUGUST 8 2005</u>
Signature: Typed or Printed Name:	<u>Vernice V. Frechbourne</u> Vernice V. Frechbourne

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

GENE KIM

## STATEMENT ESTABLISHING SAME INVENTORSHIP

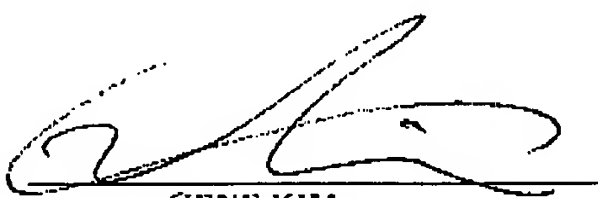
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1. I am an inventor/co-inventor of the invention disclosed and claimed in U.S. Patent 6,699,611 (Kim et al.).



Docket No. CM01523LD01

2. Steven D. Pratt and Ronald J. Kelley conceived, in the United States of America, of the subject matter disclosed in U.S. Patent 6,699,611 (Kim et al.) and relied on in the rejection of the claims of the above subjected application.

Signature  Date: July 22, 2005  
GENE KIM


STATE OF Georgia )  
COUNTY OF Fulton ) ss:

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that GENE KIM; whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 22<sup>nd</sup> day of July, 2005.

My commission expires:

Notary Public, Fulton County, Georgia  
My Commission Expires Jan. 8, 2008

  
Notary Public Signature  
Judy Turner  
Printed Name of Notary